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REMARKS

Applicant's invention is directed to a semiconductor device in which a layer of silicon oxide has been doped with hydrogen ions deposited by a plasma source ion implantation process such that a subsequent layer of polycrystalline silicon formed on the layer of silicon dioxide has a smooth morphology and is free of sputtered metal contaminants. Claims 9-12 and 14 are presently pending in this application.

Applicant has amended the specification at page 10, line 25, by correcting "in" to "on." Basis for the amendment is found in the specification as originally filed at, for example, page 11, line 12 and lines 23-25. The change is to correct an inconsistency in the specification. Also, applicant has amended the specification at page 13, line 2, to correct the reference to Fig. 5. No new matter has been added.

In the most recent Office Action, the Examiner rejected claims 12 and 14 under 35 USC §112, ¶2, as being indefinite. Applicant has amended claim 12 by correcting the language to recite "on said semiconductor substrate" in line 17. Additionally, the term "gate oxides" at line 16 has been deleted as redundant in view of the prior recitation of gate oxides in lines 12-14. Applicant has amended claim 14 essentially as suggested by the Examiner. Further, antecedent basis has been provided for the term "semiconductor substrate" recited in line 6. Applicant submits that claims 12 and 14 as amended are in compliance with §112.

Also in the Office Action, the Examiner rejected claim 9 under 35 USC §103 as unpatentable over "Applicant's admitted prior art" in view of Liu et al (US Pub. No. 2001/0002584 A1) (newly cited). Liu et al bear a filing date of December 1, 1998. Accordingly, December 1, 1998, is Liu et al's date for prior art purposes under 35 USC §102(e). However, the present application is a division of U.S. Application Serial No. 09/072,262, filed May 4, 1998, and for which priority under 35 USC §120 has been claimed. Thus, Liu et al are not prior art and cannot form the basis for a rejection under either of §§102 or 103. In the absence of Liu et al, the rejection fails.

Also in the Office Action, the Examiner rejected claims 10-12 under 35 USC §103 as unpatentable over Burns et al in view of "Applicant's admitted prior art" taken

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further with Liu et al. Claim 14 was rejected under 35 USC §103 as unpatentable over Murata et al in view of "Applicant's admitted prior art" taken further with Liu et al. Both grounds of rejection depend upon Liu et al being a proper prior art reference. It is not as explained above. Accordingly, these grounds of rejection also fail.

For all of the reasons stated above, applicant submits that claims 9-12 and 14 as amended are in compliance with §112 of the statute and are patentable over the prior art of record. Early notification of allowable subject matter is respectfully solicited.

Respectfully submitted,

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